

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
500 W. CAPITOL, ROOM D444
LITTLE ROCK, ARKANSAS 72201-3325
(501) 604-5140
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April 8, 2009

Mr. Paul Gregory Charton
Catlett & Stodola, PLC
323 Center Street
Suite 1800
Little Rock, AR 72201-2607

Mr. Matthew Keith Wren
Wren Law Firm
9421 West Markham Street
Suite B
Little Rock, AR 72205

Re: *Sitzes et al. v. City of West Memphis, Arkansas, et al.*, 3:08-CV-00026-WRW

Dear Mr. Charton and Mr. Wren:

I am prepared to grant summary judgment with respect to the federal law claims.

I am also inclined to decline pendent jurisdiction on the state law claims; but I want to be satisfied that the Arkansas “savings statute”¹ will reserve and preserve all of Plaintiffs’ state law claims for the time period prescribed in that statute. I think it does, but do you agree? Please advise me “yea” or “nay” by 5:00 p.m. on Monday, April 13, 2009.

If you agree that the savings statute is applicable and preserves Plaintiffs’ state law claims, I will enter orders referenced above. If you disagree, I will forthwith set up a telephone conference and ask you and opposing counsel to argue it out.

Cordially,

/s/ Wm. R. Wilson, Jr.

Original to the Clerk of the Court
cc: Other Counsel of Record

¹Ark. Code Ann. § 16-56-126.